

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN WILHELM,
Plaintiff,

v.

SANDAR AUNG,
Defendant.

No. 2:23-cv-00573-CKD

ORDER

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. Also pending before the court is plaintiff's motion for clarification. ECF No. 8. A review of the docket in this matter indicates that plaintiff has another civil action pending in Wilhelm v. Aung, Case No. 2:22-cv-02323-DB (E.D. Cal.), in which he was ordered to file a complaint within 30 days of the court's April 3, 2023 order. See ECF No. 4. It appears to the court that plaintiff's complaint was opened as a new civil action in this case due to a clerical error. Therefore, the undersigned finds that plaintiff's complaint should have been filed in his earlier civil rights action in Wilhelm v. Aung, Case No. 2:22-cv-02323-DB (E.D. Cal.).

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for clarification (ECF No. 8) is granted to the extent that his complaint will be ordered filed in his earlier action of Wilhelm v. Aung, Case No. 2:22-cv-02323-DB (E.D. Cal.). Plaintiff is directed to use this case number for all

future filings.

2. The Clerk of Court is directed to file a copy of plaintiff's complaint in Wilhelm v. Aung, Case No. 2:22-cv-02323-DB (E.D. Cal.), his earlier filed civil rights action.

3. Plaintiff's motion to proceed in forma pauperis (ECF No. 2) is denied as moot.

4. The instant action is closed as it was opened in error.

Dated: June 12, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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